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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEAH MARKS, individually;

Plaintiff,

vs.

TARGET CORPORATION, a Minnesota
Corporation; DOES 1 through 100; and ROE
ENTITIES A through Z, inclusive;

Defendants.

CASE NO.: 2:18-cv-00741-KJD-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(First Request)

Pursuant to Local Rules IA 6-1 and 26-4, Defendant TARGET CORPORATION (“Defendant”) by and through its counsel, Perry & Westbrook, P.C., and Plaintiff LEAH MARKS (hereinafter “Plaintiff”), by and through her counsel, Paul Padda Law, PLLC, hereby stipulate to amend the Discovery Plan and Scheduling Order (ECF No. 7) by extending the outstanding discovery deadlines for a period of ninety (90) days. This is the first request for an extension to the discovery plan and scheduling order in this matter. The requested extension is sought in good faith and not for purposes of undue delay. The request to extend the discovery cut-off deadline is subject to the good cause standard even though the request is filed less than 21 days prior to its expiration. *See* LR 26-4.

DISCOVERY COMPLETED TO DATE

The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1). Defendant, through prior counsel at Wilson Elser Moskowitz Edelman & Dicker, LLP propounded their First Set of Interrogatories and Plaintiff has submitted responses. In addition, current counsel for Defendant Mr. Westbrook has provided Plaintiff's counsel with documents that led to the recently filed stipulation to extend the time to Amend Pleadings and Add Parties. (ECF No. 12).

DISCOVERY TO BE COMPLETED

The parties intend to take the depositions of various witnesses, including those of Plaintiff and Person(s) Most Knowledgeable for Defendant. The parties also intend to take depositions related to the Developer, who Defendant contends is responsible for maintenance of the parking area where Plaintiff fell. Expert witnesses (initial and rebuttal) have also yet to be disclosed. The parties also intend to serve additional written discovery.

REASONS FOR EXTENSION TO COMPLETE DISCOVERY

Both parties agree that this extension is necessary to allow them sufficient time to complete all appropriate discovery; as a result, there is no danger of prejudice to either party in granting this extension. This extension has become necessary because new defense counsel Alan W. Westbrook, Esq. of Perry & Westbrook, P.C. substituted into this case on June 27, 2018. (ECF No. 10). Mr. Westbrook only recently obtained the full file pertaining to this matter and is still working on several ancillary issues with the insurance carrier. Because of this, the parties' ability to conduct discovery was limited until very recently; however, the parties have been diligently pursuing discovery as they were able in the interim, as evidenced by the parties' recent request to extend the time to Amend Pleadings and Add Parties. (ECF No. 12). Among other things, the parties intend to conduct additional discovery prior to the initial expert disclosures deadline, but this would not be possible because said deadline is less than a week away. Further, the length of the delay is minimal given the volume of discovery that remains to be completed.

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As a result of the foregoing, all elements that the Court considers in evaluating the good cause standard are met. The parties believe that, absent any unforeseen circumstances, all necessary discovery can be accomplished by the requested extended deadlines.

REVISED DISCOVERY PLAN

1. Discovery Cut-Off Deadline

The discovery cut-off shall be extended to Sunday, January 20, 2019 (carries over to **Monday, January 21, 2019**).

2. Amending Pleadings/Adding Parties

The deadline to amend pleading or add parties shall be extended to **Tuesday, October 23, 2018**.

3. Initial Expert Disclosures

The deadline to disclose initial experts shall be extended to **Thursday, November 22, 2018**.

4. Rebuttal Expert Disclosures

The deadline to disclose rebuttal experts shall be extended to Saturday, December 22, 2018 (carries over to **Monday, December 24, 2018**).

5. Interim Status Report

The deadline to file the interim status report shall be extended to **Thursday, November 22, 2018**.

6. Dispositive Motions Deadline

The parties shall file dispositive motions 30 days after the extended discovery cut-off date, and therefore, not later than **Wednesday, February 20, 2019**.

7. Joint Pretrial Order Deadline

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and therefore, not later than **Friday, March 22, 2019**. In the event dispositive motions are filed, the date for

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1 filing the Joint Pretrial Order shall be suspended until 30 days after the Court enters a ruling on
2 the dispositive motions or otherwise by further order of the Court.

3 **8. Fed. R. Civ. P. 26(a)(3) Disclosures**

4 Fed. R. Civ. P. 26(a)(3) Disclosures shall be due at the same time as the Joint Pre-Trial
5 Order.

6 **8. Extensions or Modification of the Discovery Plan and Scheduling Order:**

7 In accordance with Local Rule 26-4, any stipulation or motion for modification or
8 extension of this discovery plan and scheduling order must be made at least 21 days prior to the
9 expiration of the subject deadline.

10 Accordingly, the parties stipulate, subject to approval of this Court, to the following new
11 proposed deadlines:

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Deadline	Current Deadline	Revised Deadline
Discovery Cut-Off	Saturday, October 20, 2018 (Carries over to Monday, October 22, 2018)	January 20, 2019 (carries over to Monday, January 21, 2019)
Amending Pleadings/ Adding Parties	Tuesday, July 24, 2018	Tuesday, October 23, 2018
Expert Disclosures	Thursday, August 23, 2018	Thursday, November 22, 2018
Rebuttal Experts	Saturday, September 22, 2018 (Carries over to Monday, September 24, 2018)	Saturday, December 22, 2018 (carries over to Monday, December 24, 2018)
Interim Status Report	Thursday, August 23, 2018	Thursday, November 22, 2018 .
Dispositive Motions	Wednesday, November 21, 2018	Wednesday, February 20, 2019
Joint Pretrial Order	Friday, December 21, 2018 unless dispositive motions are filed	Friday, March 22, 2019 unless dispositive motions are filed, then 30 days after such motions are decided
Fed. R. Civ. P. 26(a)(3)	Same as Joint Pre-Trial Order	Same as Joint Pre-Trial Order.

Dated: August 20, 2018

Dated: August 20, 2018

Respectfully submitted,

Respectfully submitted,

/s/JoshuaYAng

/s/AlanWWestbrook

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ALAN W. WESTBROOK, ESQ.
PERRY & WESTBROOK, P.C.

Attorneys for Defendant,
TARGET CORPORATION

Attorneys for Plaintiff,
LEAH MARKS

ORDER:

IT IS SO ORDERED.

Dated: August 21, 2018.

THE HONORABLE GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE